

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICK C. OBAH,

Plaintiffs,

-against-

DEPARTMENT OF PROBATION,

Defendant.

24-CV-4776 (AS)


ORDER

ARUN SUBRAMANIAN, United States District Judge:

On November 4, 2024, the Department of Probation filed a motion to dismiss Patrick Obah's complaint. Dkt. 11. The Court ordered Obah to either respond to the motion or amend his complaint by February 21, 2025. *See* Dkts. 14, 16. On February 10, 2025, Obah filed an amended complaint. Dkt. 17. Accordingly, the Department of Probation's motion to dismiss, Dkt. 11, is denied as moot. *See Pettaway v. Nat'l Recovery Sols., LLC*, 955 F.3d 299, 303–04 (2d Cir. 2020) (“[W]hen a plaintiff properly amends her complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended complaint.”). If Probation wishes to move to dismiss Obah's amended complaint, it can either file a letter referring the Court to its previous papers or file a new motion by March 4, 2025. If Probation moves to dismiss, Obah's opposition will be due April 1, 2025, and Probation's reply will be due April 8, 2025.

SO ORDERED.

Dated: February 18, 2025
New York, New York



ARUN SUBRAMANIAN
United States District Judge